

REMARKS

Applicant wishes to thank the Examiner for reviewing the present application.

Claims 1-3, 6-12 and 14-18 have been rejected under 35 U.S.C. 102(e) as being anticipated by Blass (US 6,638,025). Applicant respectfully traverses the rejections as follows.

Claim 1 requires, in part, a: "control circuit being located in a control housing secured to said casing and having an inwardly directed surface extending across an aperture in said casing to seal said aperture, a sensor assembly located on said surface and operatively associated with said rotating group to sense said parameter."

As discussed in the present application on page 2, paragraph [0007], to achieve a compact size and to simplify the control implementation it is desirable to locate the controller as close as possible to the rotating components of the hydraulic machine. However, the environment of the rotating components is relatively hostile and may lead to premature failure of the controller as well as lead to erratic behavior.

To overcome these drawbacks, claim 1 recites that the control circuit is located in a control housing separate from the rotating component so that, e.g. the control board and associated electric circuit is not subject to the hydraulic fluid that might adversely affect their operation (see page 13, paragraph [0074].

Blass teaches a system for controlling a fluid actuated system. As can be seen in Figure 1, fluid pressure is controlled by an actuator (51) that is controlled by an electronic control circuit (52). The control circuit is clearly separate from the casing (32) which contains the rotating group and is not even shown with the actuator (51) in Figure 2. In fact, as can be appreciated from a careful review of teachings in Blass and from Figure 1, the control circuit 52 is actually used for controlling multiple components in the system and thus is intended to be separate from the pump and actuator. Blass therefore clearly does not teach a control housing secured to the casing in which a control circuit is located as recited in claim 1.

It seems that the Examiner has relied on the actuator and control circuit in Blass interchangeably and, in particular, has equated the housing around the actuator as the control housing recited in claim 1. However, Blass only shows the actuator being secured to or being part of the pump, not the controller. The controller (52) is clearly separate from the pump. Blass therefore does not teach a control housing for containing a control circuit, let alone being secured to the pump casing and having a surface extending across an aperture in the casing and sealing the casing as recited in claim 1. There is simply no disclosure of such an arrangement.

As can be seen in column 2, lines 49-55 of Blass: "...fluid is pushed from the piston cavity 48, past a check valve 50 and into the high pressure supply conduit 22. Fluid pressure in the high pressure rail 14 is controlled by an actuator 51 that is controlled by an electronic control module 52. An electrical control line 53 provides communication between the actuator 51 and the electronic control module 52." Clearly the control module 52 is separated from the pump as Blass explicitly discusses using a control line to communicate therewith.

Accordingly, Applicant believes that the Examiner has misconstrued the arrangement shown in Blass and that Blass clearly does not provide for a control housing secured to the casing, let alone as recited in claim 1. As such, Blass cannot anticipate claim 1. Claims 2-3, 6-12 and 14-18 being ultimately dependent on claim 1 are also believed to be distinguished over Blass.

Claims 4 and 13 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Blass in view of Kimura (US 5,749,710). Applicant respectfully traverses the rejections as follows.

Claims 4 and 13 are ultimately dependent on claim 1, and it is believed to have been shown above that claim 1 is distinguished over Blass. As such, Kimura must teach at least what is missing from Blass. However, Kimura clearly does not teach a control housing secured to the casing and thus does not teach what is missing from Blass. Therefore, claims 4 and 13 are believed to be patentably distinguished over Blass in view of Kimura for at least that reason.

Claims 19-25 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Blass in view of Tokusmasu (US 6,045,337). Applicant respectfully traverses the rejections as follows.

Claims 19-25 are ultimately dependent on claim 1, and it is believed to have been shown above that claim 1 is distinguished over Blass. As such, Tokusmasu must teach at least what is missing from Blass. However, Tokusmasu clearly does not teach a control housing secured to the casing and thus does not teach what is missing from Blass. Therefore, claims 4 and 13 are believed to be patentably distinguished over Blass in view of Tokusmasu for at least that reason.

Finally, Applicant notes that claim 5 does not appear to have been rejected, and an indication of allowability has not been provided therefor. Applicant kindly requests clarification.

In view of the foregoing, Applicant believes that claims 1-25 are patentably distinguished over the references cited and are in condition for allowance.

Applicant requests early reconsideration and allowance of the present application.

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Respectfully submitted,

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